

Attorney Docket No.: DBT006PCTUS1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Georges, et al.)	
)	
Serial No.: 10/541,640)	
)	
Filed: July 6, 2005)	Examiner:
)	
For: Systems and Methods for Portable)	Group Art Unit:
Audio Synthesis)	
)	
)	

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8 NOV 2006

Legal Staff
International Division

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION; SUBMISSION UNDER 37 CFR 1.497(d); DECLARATION
OF ALAN R. LOUDERMILK

Dear Commissioner:

In response to the Decision mailed August 21, 2006, Applicant hereby submits this response and submission under 37 CFR 1.497(d) (or other appropriate rule in view of the circumstances explained herein). As this response contains statements of Alan R. Loudermilk, it also is submitted as a supporting declaration for this submission.

The originally claimed invention involved only five inventors, but, due to amended claims, there are now nine inventors for this application. Applicant's attorney has reviewed this circumstance with the USPTO and was advised that the declaration including all nine inventor signatures would be proper if submitted in compliance with Rule 1.497(d). Applicant hereby makes this submission under Rule 1.497(d) and requests that the declaration and supporting materials submitted herewith be accepted, and the case processed for examination.

Applicant understands that there are four requirements under Rule 1.497(d). First, Applicant must submit a statement of the newly-added inventors indicating that their omission was without deceptive intent. Applicant submits that the statement submitted with the Response to Notification of Missing Requirements mailed by Applicant on February 1, 2006 satisfies this requirement.

Second, Applicant must pay the appropriate fee under Rule 1.17(i). Applicant hereby requests that any necessary fee be charged to Deposit Account 50-0251, which should satisfy the second requirement.

Third, if the application has been assigned, as this one has, a consent of the assignee must be submitted. Applicant herewith submits a consent of the assignee, MediaLab Solutions LLC, along with the assignment recordation submittal documents to show the required chain of title to the assignee. Applicant submits that these materials satisfy the third requirement.

Fourth, an appropriate oath/declaration must be submitted, which is signed by all of the inventors. Applicant's attorney wishes to explain how the declaration was prepared, and also explain the materials submitted herewith.

As the application was prepared and new inventive subject matter identified, a determination was made of inventorship. A complete four page declaration listing all nine inventors was prepared and hand-carried to France for signature by the inventors. This process resulted in the signature of all inventors but Mr. Flohr and Mr. Damevski. A copy of this partially signed declaration was provided to each of Mr. Flohr and Mr. Damevski. Mr. Flohr signed and returned a hard copy of the declaration that he signed. Mr. Damevski returned electronically only the signature page of his declaration. This "combined declaration" was submitted with the Response mailed by Applicant on February 1, 2006.

Thereafter, Applicant's attorney requested that Mr. Damevski sent the complete four page declaration that he reviewed and signed prior to the Response mailed by Applicant on February 1, 2006. This declaration was received by Applicant's attorney via mail. For purposes of complete understanding, Applicant also submits a copy of a declaration of Mr. Damevski submitted in co-pending application 10/541,536. This declaration explains the signing of the declaration for this application, which was done at the same time and in the same manner as the co-pending application.

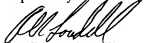
Accordingly, Applicant herewith submits that following versions of the declaration. First, Applicant is submitting the original four-page complete declaration that all inventors but Messrs. Flohr and Damevski signed based on the trip to France referenced earlier. Applicant is submitting a copy of the complete declaration executed by Mr. Flohr (the original of this declaration was submitted with the Response mailed by Applicant on February 1, 2006). Finally, Applicant is submitting the original declaration received from Mr. Damevski by mail, also as referenced earlier.

Applicant submits, and requests, that this collection of complete declarations satisfies the fourth requirement under 1.497(d).

Applicant requests that this submission be considered a complete response to the Decision mailed August 21, 2006. If there are any questions or issues regarding this application or this submission, Applicant's attorney requests an opportunity to discuss such questions and/or issues and if necessary submit additional materials in order to resolve any outstanding matters. Applicant requests that this submission be considered a submission under any appropriate rule (e.g., Rule 1.182), and authorizes the payment of any appropriate fee, in order for the declaration to be accepted and the case to proceed to examination. Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

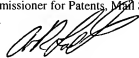
The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,


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Attorney for Applicant(s)

October 23, 2006
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I hereby certify that the foregoing is being mailed to Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.



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